

AMENDMENT
Inventor: Solomon B. Margolin

PATENT
183-109(US)

REMARKS

The above-reference Office Action has been carefully reviewed and reconsideration thereof is respectfully requested.

The Examiner has rejected Claims 10-15 under 35 USC 112, first paragraph, as being enabling only for pirfenidone. Applicant respectfully traverses this ground of rejection.

It is respectfully submitted that one skilled in the art would be able to fully practice the claimed invention without any undue experimentation. All the compounds listed are structurally similar and would be expected to possess the same efficaciousness in treating the listed conditions. The Examiner himself states in the rejection of claims based on a patent to Lohaus et al. that "one skilled in the art would have expected the applicant's instant 2-(1H) pyridone compounds would possess the same activity as the 1-hydroxy-2-pyridones of the cited reference since the cited reference structure of the 1-hydroxy-2-pyridones and the structure of the instant 2-(1H) pyridone compounds of claim 14 have the same piperidine ring core structure".

Claims 10-15 have been rejected under 35 USC 112, second paragraph, as being indefinite, the Examiner citing certain wording of Claims 10 and 14.

With respect to Claim 10, the phrase "pharmaceutical substance including an effective amount of one or more 2-(1H) pyridone compound(s)" simply states just that. It is not understood how the word "including" renders the claim indefinite.

With respect to Claim 14, the word "etc." merely is used to indicate that any group having the foregoing characteristics may be substituted.

Claims 10-13 have been rejected under 35 USC 102(b) as being anticipated by Lohaus et al. and Claims 14 and 15 have been rejected under 35 USC 103(a) as being

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AMENDMENTS TO THE DRAWINGS

None.

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unpatentable over Lohaus et al. Applicant respectfully traverses these grounds of rejection.

The compounds listed in the Lohaus et al. patent all have a hydroxyl group in the number one position of the pyridone ring. None of the instant compounds have a hydroxyl group in the number one position of the pyridone. The instant substances have a major advantage over compounds with hydrogen on the nitrogen position when given systemically or when applied locally. Compounds with the hydroxyl group on the one (nitrogen) position are very rapidly metabolized or excreted. This is well known by anyone versed in the art of pharmacokinetics involving such molecules. All the instant compounds have major non-hydroxyl substitutions on the one position (the nitrogen position) which prolong the action of the substances in the body or in the surface of the skin when applied topically to the skin.

Claims 16-18 are indicated as containing allowable subject matter.

In view of the above amendments and remarks, it is respectfully submitted that the claims in the application, Claims 10-18, are allowable and early action in that regard is respectfully requested.

Should the Examiner have any questions as to the allowability of the claims or any suggestions with respect thereto, the undersigned would be grateful for the privilege of a telephone conference with the Examiner.

Date: June 6, 2005.

Respectfully submitted,



John H. Crozier
Reg. No. 30,371
1934 Huntington Turnpike
Trumbull CT 06611-5116
Tel: (203) 375-9118
Fax: (203) 378-8108